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7

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \*\*\*

11 BANK OF AMERICA, N.A., )

12 Plaintiff, )

13 vs. )

14 THE SIENA HOMEOWNER'S )  
ASSOCIATION; THUNDER PROPERTIES, )  
15 INC.; and HAMPTON & HAMPTON )  
COLLECTIONS, LLC, )

16 Defendants. )  
17

Case No. 3:16-cv-00188-MMD-CBC

18 **STIPULATION AND ORDER TO EXTEND TIME TO RESPOND TO**  
19 **SECOND MOTION FOR SUMMARY JUDGMENT**  
(Second Request)

20 COMES NOW, Defendant, THUNDER PROPERTIES, INC. and Plaintiff, BANK OF  
21 AMERICA, N.A., by and through their undersigned counsel, and hereby stipulate and agree as  
22 follows:

- 23 1. On November 19, 2018, Plaintiff filed a Second Motion for Partial Summary  
24 Judgment herein [ECF #85]. Defendant's Response to said Motion was originally  
25 due on December 17, 2018, and replies are presently due on January 7, 2019,  
26 pursuant to a stipulation approved on December 10, 2018 [ECF #89].  
27 2. At the time that said stipulation was submitted and approved, Defendant's counsel  
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erroneously calendared the due date for the Opposition to be January 7, 2019, rather than the Reply. As a result, to date, Defendant has not yet filed its Opposition. Defendant asserts that the failure to timely file the Opposition is the result of excusable neglect and that no harm has been suffered by any party as a result thereof.

3. The parties are presently engaged in settlement discussions and prefer to devote their time and resources to an effort to amicably resolve the instant matter. In addition, as a result of the holidays and family obligations associated therewith, counsel has been required to devote time and attention to numerous other pending legal matters since the filing of the Motion for Summary Judgment which have detracted from the time available prepare a response.

4. Defendant shall have an extension of time until January 28, 2019, in which to respond to the Plaintiff's Second Motion for Summary Judgment.

5. This Stipulation is made in good faith and not for purpose of delay.

Dated this 7<sup>th</sup> day of January, 2019.

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IT IS SO ORDERED.

By:   
Judge, U.S. District Court

Dated: January 9, 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7<sup>th</sup> day of January, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **STIPULATION AND ORDER TO EXTEND TIME TO RESPOND TO SECOND MOTION FOR SUMMARY JUDGMENT (Second Request)** to the following parties:

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